

*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.*

## Emergency Rule

### ■ BUSINESS ASSISTANCE

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted a new Part by emergency rule titled Business Interruption Grant Program (14 IAC 690; 44 Ill Reg 13111) effective 7/21/20 for a maximum of 150 days. An identical proposed rule appears in this week's *Illinois Register* at 44 Ill Reg 12993. The new Part implements the Business Interruption Grant (BIG) Program authorized by Public Act 101-636, which provides financial support to businesses that have incurred exceptional losses or expenditures due to the COVID-19 public health emergency. Financial assistance provided through the BIG Program is funded through the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and may consist of grants, subsidies, or expense reimbursements. Funding

### COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

availability and application procedures will be announced on the DCEO website. Qualifying businesses include those that have lost revenue due to closing or limiting access to a business establishment, or have experienced decreased customer traffic/demand as a result of the COVID-19 emergency. At least 30% of BIG Program funding will

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## Proposed Rulemakings

### ■ DRIVER'S LICENSES

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 44 Ill Reg 13005) updating the procedures for obtaining a Hazardous Materials Endorsement (HME) on a commercial driver's license. An HME may be issued to an applicant who has passed a Transportation Security Administration threat assessment or who holds a valid Transportation Worker Identification Credential (TWIC) from TSA. SOS must notify an HME holder at least 90 days in advance of the expiration date of the HME that he or she must either obtain a new threat assessment from TSA or submit a renewed TWIC. Commercial drivers transporting hazardous materials are affected.

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**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.  
**PROPOSED RULES:** Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.  
**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.  
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.  
**QUESTIONS/COMMENTS:** Submit mail, email or phone calls to the agency personnel listed below each summary.  
**RULE TEXT:** Available on the Secretary of State ([www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://www.ilga.gov)) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

## Adopted Rules

### ■ SPEECH THERAPY

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled The Illinois Speech-Language Pathology and Audiology Practice Act (68 IAC 1465; 44 Ill Reg 55) effective 8/7/20, implementing the sunset reauthorization of the Act for the next 10 years. The amendments authorize speech-language pathologists and audiologists to perform basic health screenings if they have been trained to do so through an approved curriculum, continuing education (CE) or worksite training; expand the types of licensing examinations that will be

recognized and the scope of practice for licensees; specify subject areas of speech and language disorders that must be covered by an approved curriculum; expand approval for audiology doctoral degree programs; add ethics training CE requirements; limit how much CE time can be earned through programs sponsored by hearing instrument or auditory prosthetic manufacturers; and clarify how foreign applicants may meet educational and licensure requirements. Speech-language pathologists who supervise assistants must complete 6 hours of initial training and 2 hours of CE in each licensing cycle thereafter (formerly, 10 hours of initial training

was required). Changes since 1<sup>st</sup> Notice clarify certain educational requirements for license applicants. Speech-language pathologists, audiologists and their employers and education providers may be affected by this rulemaking.

*Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., 2<sup>nd</sup> Floor, Springfield IL 62786, 217/785-0813, fax 217/557-4451.*

### ADA PROCEDURES

The DEPARTMENT OF INNOVATION AND

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## Emergency Rule

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be allocated to disproportionately impacted areas with high incidences of positive COVID-19 cases per capita and high rates of poverty/economic distress among children, older adults, or generally. Priority will also be given to severely impacted businesses (e.g., bars, restaurants, barbershops, salons, fitness centers) that meet specified 2019 revenue criteria, operated for at least the 3 months prior to March 2020, and have incurred at least \$10,000 in necessary expenditures since 3/21/20. Additionally, licensed day care providers that receive at least 25% of their revenue through the Child Care Assistance Program and whose operating capacity has been reduced due to Department

of Children and Family Services group size restrictions are eligible for child care restoration grants through the BIG Program. An initial round of grants to day care providers will be awarded between 7/1/ and 9/30/20; if funds allow, a second round of grants will be awarded for the period 10/1 through 11/30/20. BIG awards to qualifying businesses may be used to cover any operational cost (including, but not limited to, staff wages/benefits, occupancy costs, materials, supplies, and professional services) that is eligible for federal Coronavirus Relief Fund reimbursement and not otherwise covered by another grant or refundable loan (e.g., the Paycheck Protection Program, Economic Disaster Injury Loan, other disaster relief). In addition to awarding grants to qualifying

businesses, DCEO may also enter into grant agreements or contracts with qualified partner agencies (i.e., non-profit agencies or financial institutions) that will provide financial assistance or other services to qualifying businesses. Application procedures, reporting and monitoring requirements are also outlined. Small businesses and child care providers impacted by the COVID-19 public health emergency are affected by this emergency rule.

*Questions/requests for copies/ comments on the proposed rulemaking through 9/21/20: Jolene Clarke, DCEO, 500 E. Monroe, Springfield IL 62701, 217/557-1820, fax 217/524-3701, [jolene.clarke@illinois.gov](mailto:jolene.clarke@illinois.gov)*

# Proposed Rulemakings

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SOS also proposed amendments to Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 44 Ill Reg 13023) implementing PA 101-623, which removes SOS' authority to suspend or revoke driver's licenses for certain offenses that do not involve use of a motor vehicle, including sale/provision of alcoholic liquor to persons under age 21, possession of medical cannabis in a motor vehicle, and theft of motor fuel.

## ORGAN DONOR REGISTRY

SOS proposed amendments to the Part titled Sale of Information (92 IAC 1002; 44 Ill Reg 12996) reflecting PA 101-179. The rulemaking allows organizations

that procure organs or tissues for transplant under the Anatomical Gift Act access to the SOS organ and tissue donor registry, provided they sign an access agreement with SOS. All requests for access to the registry must be notarized and must identify the organization making the request and the person requesting the information. The rulemaking also expands the definition of personally identifying information that may be contained on a driver's license or ID card to include date of birth, height, weight, hair color, eye color and e-mail address.

*Questions/requests for copies/ comments on the 3 SOS rulemakings through 9/21/20: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, [pwright@ilsos.gov](mailto:pwright@ilsos.gov).*

hours under adverse driving conditions.

*Questions/requests for copies/ comments through 9/21/20: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Room 317, Springfield IL 62764, 217/524-2638.*

## STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed amendments to General Provisions (23 IAC 2700; 13035) changing the name of the State financial aid application used as an alternative to the federal Free Application for Federal Student Aid (FAFSA) by certain non-U.S. citizens from "RISE Act Application" to "Alternative Application for Illinois Financial Aid". The rulemaking also requires high schools and institutions of higher learning to coordinate with ISAC to promote awareness of assistance programs available to students. ISAC also proposed amendments to AIM HIGH Grant Pilot Program (27 IAC 2766; 44 Ill Reg 13059) implementing PA 101-643, which states that the household income of a grant applicant at the time of initial application will remain valid for the duration of the grant program.

*Questions/requests for copies/ comments on the 2 ISAC rulemakings through 9/21/20: Jackie Eckley, ISAC, 500 W. Monroe St., 3<sup>rd</sup> Fl., Springfield IL 62704, 217/782-5161, [jackie.eckley@illinois.gov](mailto:jackie.eckley@illinois.gov)*

## NO 2ND NOTICES THIS WEEK

# Adopted Rules

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TECHNOLOGY (DoIT) adopted a new Part titled Americans with Disabilities Act Grievance Procedure (4 IAC 1660; 44 Ill Reg 3327) effective 8/1/20, implementing the federal Americans with Disabilities Act (ADA). The rule establishes a procedure for resolving complaints against the agency by persons with disabilities who believe their rights were violated.

*Questions/requests for copies: Josue Barba, DoIT, 120 W. Jefferson St., Springfield IL 62702, 217/524-1294, fax 217/524-0755, [josue.barba@illinois.gov](mailto:josue.barba@illinois.gov)*

## ■ COMMERCIAL DRIVERS

The DEPARTMENT OF TRANSPORTATION proposed an amendment to Hours of Service of Drivers (92 IAC 395; 44 Ill Reg 13067) incorporating recently adopted federal regulations (85 FR 33396, effective 6/1/20). The incorporated federal regulations extend the short-haul exception from 100 to 150 air miles and increase the maximum short-haul duty period from 12 to 14 hours; allow drivers to divide their 10 hours off duty into two periods if one period consists of at least 7 consecutive hours in the sleeper berth and the other is at least 2 hours long; require a 30-minute break only after 8 hours of driving without interruption; and extend the maximum driving window up to 2